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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

16 SAFLINK CORP.,  
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18 Plaintiff,  
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20 v.  
21  
22 DIGITAL PERSONA, INC.,  
23  
24 Defendant.

Case No. C-05-1554-MMC

**STIPULATION AND ORDER RE:  
DATES FOR FILING CLAIM  
CONSTRUCTION BRIEFS**

**STIPULATION**

WHEREAS, the parties in this patent-infringement action are actively engaged in settlement discussions that may avoid the need for claim construction briefing or a claim construction hearing entirely;

WHEREAS, under the existing schedule, SAFLINK's Opening Brief on Claim Construction pursuant to Patent L.R. 4-5(a) is due on January 30, 2006;

WHEREAS, under the existing schedule, Digital Persona's Responsive Brief on Claim Construction pursuant to Patent L.R. 4-5(b) is due on February 13, 2006;

WHEREAS, under the existing schedule, SAFLINK's Reply Brief on Claim Construction pursuant to Patent L.R. 4-5(c) is due on February 23, 2006;

WHEREAS, the parties jointly desire that the preceding briefing dates be continued for one week so that they may continue to focus on settling this matter and potentially avoid the cost of preparing claim construction briefs;

WHEREAS, the parties are not proposing any change to the schedule that would affect the date for the Claim Construction Hearing currently scheduled for March 13, 2006, and the parties have only sought one prior extension for the Joint Claim Construction Statement with no impact on the Court's schedule;

NOW THEREFORE, the parties hereby stipulate, and jointly request that the Court order, that the dates for filing their claim construction briefs pursuant to Patent L.R. 4-5 be continued by one week to February 6, 2006 (Opening Brief), February 21, 2006 (Responsive Brief), and February 27, 2006 (Reply Brief).

Respectfully submitted,

Dated: January 27, 2006

MORRISON & FOERSTER LLP

By: /S/ Richard S. J. Hung  
Richard S. J. Hung

*Attorneys for Plaintiff/Counterdefendant  
SAFLINK CORP.*

Dated: January 27, 2006

KEKER & VAN NEST LLP

By: /S/ David J. Silbert  
David J. Silbert

*Attorneys for Defendant/Counterclaimant  
DIGITAL PERSONA, INC.*

I attest that David J. Silbert has authorized me to electronically sign this document on his behalf.

Dated: January 27, 2006

MORRISON & FOERSTER


By: /S/ Richard S. J. Hung  
Richard S.J. Hung

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

- SAFLINK shall file its Opening Claim Construction Brief on or before February 6, 2006;
- Digital Persona shall file its Responsive Brief on Claim Construction on or before February 21, 2006; and
- SAFLINK shall file its Reply Brief on Claim Construction on or before February 27, 2006.

Dated: January 30, 2006

  
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Honorable Maxine M. Chesney  
United States District Judge